IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 94 OF 2006

The Committee of the
Chapel of St. Anthony
Through its President
Volvonnem, Tivim,
Bardez-Goa. ... Petitioner

versus

Village Panchayat of Tivim,
Through its Sarpanch,
Tivim, Bardez-Goa. ... Respondent

Mr. Nigel Da Costa Frias, Advocate for the Petitioner.

Mr. A. Kansar, Advocate for the Respondent.

CORAM : A. P. LAVANDE &
N. A. BRITTO, JJ.

DATE : 2ND MAY, 2006.

ORAL JUDGMENT(Per A. P. Lavande, J.)

Rule. By consent heard forthwith.

2. The grievance of the petitioner is that his application

dated 29-2-2000 made to the respondent for regularization of the construction of compound wall has not been decided. In the year 1999, one Madhukar Naibagkar complained to the Deputy Director of Panchayats that the petitioner had illegally constructed a compound wall in the property of the Communidade. The Deputy Director of Panchayats assumed powers of the Panchayat under Section 66(5) of the Goa Panchayat Raj Act and after hearing the parties by Judgment and Order dated 30-3-2005 directed the petitioner to demolish the compound wall within a period of one month. Against the said Judgment and Order, the petitioner preferred an appeal to the Director of Panchayats with an application for condonation of delay. According to the petitioner the appeal is pending before the Additional Director of Panchayats. The respondent has refused to deal with the application for regularization filed by the petitioner on the ground that the matter is subjudice. Notwithstanding the pendency of the appeal before Additional Director of Panchayats we do not find any difficulty in granting the relief prayed for by the petitioner.

3. We direct the respondent to decide the application

dated 29-2-2000 for regularization made by the petitioner after hearing the petitioner and Shri Madhukar Naibagkar of Thivim who had complained to the Deputy Director of Panchayats about the construction of the compound wall by the petitioner. The respondent shall decide the said application on its own merit in accordance with law.

4. The petition stands disposed of with no order as to costs.

A. P. LAVANDE, J.

N. A. BRITTO, J.

RD